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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes

Report of the Secretary-General

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 2	2
II.	SUMMARY OF ACTION TAKEN BY THE COMMISSION ON HUMAN RIGHTS AT ITS FIFTIETH SESSION	3 - 8	2

* A/49/150.

I. INTRODUCTION

1. In its resolution 48/124 of 20 December 1993 on respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes, the General Assembly, inter alia, reaffirmed that it was the concern solely of peoples to determine methods and to establish institutions regarding the electoral process, as well as to determine the ways for its implementation according to their constitution and national legislation and that, consequently, States should establish the necessary mechanisms and means to guarantee full popular participation in those processes; reaffirmed also that any activities that attempted, directly or indirectly, to interfere in the free development of national electoral processes, in particular in the developing countries, or that were intended to sway the results of such processes, violated the spirit and letter of the principles established in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations; strongly appealed to all States to refrain from financing or providing, directly or indirectly, any other form of overt or covert support for political parties or groups and from taking actions to undermine the electoral processes in any country; called upon the Commission on Human Rights, at its fiftieth session, to continue giving priority to the review of the fundamental factors that negatively affect the observance of the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes and to report to the Assembly at its forty-ninth session, through the Economic and Social Council; and requested the Secretary-General to report to the Assembly at its forty-ninth session on the implementation of the resolution, under the item entitled "Human rights questions".

2. The present report contains a summary of action taken by the Commission on Human Rights at its fiftieth session pursuant to General Assembly resolution 48/124.

II. SUMMARY OF ACTION TAKEN BY THE COMMISSION ON HUMAN RIGHTS AT ITS FIFTIETH SESSION

3. At its fiftieth session, held from 31 January to 11 March 1994, the Commission on Human Rights considered, under various items of its agenda, a number of country situations that involved questions relating to the organization and holding of elections. Although no specific action to review the fundamental factors that negatively affect the observance of the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes, as requested by the General Assembly in its resolution 48/124, was taken by the Commission at that session, references were made in a number of resolutions to the issue of elections in the context of guaranteeing the free expression of the will of peoples and ensuring respect for national sovereignty and non-interference in the internal affairs of the States concerned.

4. In its resolution 1994/10 of 18 February 1994 on the situation of human rights in South Africa, the Commission on Human Rights, inter alia, urged the South African authorities to expedite the legal and administrative measures to

abolish speedily and unconditionally all the remaining "homelands" and the "Bantustan system" and reincorporate them in South Africa, and to ensure that the populations in those territories could freely participate in the elections and that all political parties would be able to conduct election campaigns without fear of intimidation; also urged the South African authorities to ensure that no parties were permitted to disrupt the democratic process leading to the elections scheduled for 26 to 28 April 1994 and to ensure that an adequate number of electoral booths were installed throughout the territory of South Africa; further urged all parties in South Africa, including those which did not participate fully in the multi-party negotiations, to respect agreements reached during the talks, to recommit themselves to democratic principles, to take part in the elections and to resolve outstanding issues by peaceful means only; and supported the efforts of the Secretary-General, together with all the parties concerned, to implement effectively plans for the role of the United Nations in the election process in coordination with the observer missions of the Organization of African Unity, the Commonwealth, the European Union and observers from non-governmental organizations.

5. In its resolution 1994/62 of 4 March 1994 on El Salvador, the Commission, inter alia, reaffirmed its confidence that the elections of 20 March 1994 would strengthen national reconciliation and urged the people of El Salvador to participate in them.

6. In its resolution 1994/78 of 9 March 1994 on the situation of human rights in Togo, the Commission on Human Rights, inter alia, welcomed the fact that Togo had set out on the road to democratic political change, and urged all Togolese to respect the outcome of the parliamentary elections held in February 1994 and to ensure the effective functioning of the democratically elected parliament.

7. In its resolution 1994/84 of 9 March 1994 on the situation of human rights in Afghanistan, the Commission on Human Rights, inter alia, urged all the Afghan parties to undertake, where appropriate under the auspices of the United Nations, all possible efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Afghanistan, based on the free exercise of the right to self-determination by the people, including free and genuine elections, the cessation of armed confrontation and the creation of conditions that would permit the free return, as soon as possible, of about 4 million refugees to their homeland in safety and dignity, whenever they wished, and the full enjoyment of human rights and fundamental freedoms by all Afghans; and invited the United Nations to offer, upon request of the Afghan Government and with due regard to the Afghan tradition, advisory services and technical assistance concerning the drafting of the Constitution, which should embody internationally accepted human rights principles, and the holding of direct elections.

8. Finally, in its resolution 1994/85 of 9 March 1994 on the situation of human rights in Myanmar, the Commission on Human Rights, inter alia, again urged the Government of Myanmar to take, in conformity with the assurances given at various times, all necessary measures to establish a democratic State in full accordance with the will of the people as expressed in the democratic elections held in 1990.